

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
UNITED STATES OF AMERICA,

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/2/10

-against-

S1 06 Crim. 1027 (LAK)

LUIS HUMBERTO ANGARITA GARZON,

Defendant.
----- x

ORDER

LEWIS A. KAPLAN, *District Judge*.

The defendant's motion to dismiss the indictment [DI 12] is denied, substantially for the reasons set forth in the government's papers in opposition. As to the speedy trial point, *see also United States v. Ghailani*, __ F. Supp.2d __, No. S10 98 Crim. 1023 (LAK), 2010 WL 2756546 (S.D.N.Y. July 12, 2010). As to the defendant's contention, made in his counsel's declaration and not in the motion, that venue is improper in this District because the defendant did not commit the overt act charged in paragraph 4a of the indictment (Arcia Decl. ¶¶ 17-21), the Court notes that there is no summary judgment in criminal cases. The questions whether the government can prove the allegations of paragraph 4a and whether it must do so in order to establish venue as to this defendant in this District must await trial.

SO ORDERED.

Dated: August 30, 2010



Lewis A. Kaplan
United States District Judge